

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TODD STEPHEN NEMETH,

Petitioner,

v.

Case No. 10-12095

HONORABLE PATRICK J. DUGGAN

THOMAS K. BELL,

Respondent,

_____ /

**OPINION AND ORDER DENYING PETITIONER'S MOTION FOR
RECONSIDERATION**

Petitioner Todd Stephen Nemeth, ("Petitioner"), a Michigan prisoner, filed a petition for writ of habeas corpus challenging the Michigan Parole Board's decision to extend his parole past his discharge date of August 1, 2007. In an opinion and order issued on July 7, 2010, this Court dismissed the petition without prejudice based on Petitioner's failure to first exhaust his state court remedies. Presently before the Court is Petitioner's motion for reconsideration, filed July 19, 2010.

Eastern District of Michigan Local Rule 7.1(h) provides that a motion for reconsideration only should be granted if the movant demonstrates that the Court and the parties have been misled by a palpable defect and that a different disposition of the case must result from a correction of such a palpable defect. E.D. Mich. LR 7.1(h)(3). A motion that merely presents the same issues already ruled upon by the Court shall not be granted. *Id.* Similarly, motions to alter or amend judgment pursuant to Federal Rule of

Civil Procedure 59(e) may be granted only if there is a clear error of law, newly discovered evidence, an intervening change in controlling law, or to prevent manifest injustice. *GenCorp., Inc. v. Am. Int'l Underwriters*, 178 F.3d 804, 834 (6th Cir. 1999).

In his motion, Petitioner fails to present arguments or evidence relevant to this Court's finding that his claims are unexhausted. As indicated in the Court's July 7 opinion and order, by his own admission, Petitioner has failed to present his claims to the Michigan courts. (Doc. 3 at 2.) Petitioner does not present arguments or evidence demonstrating otherwise or to show that he should be excused from raising his claims first in the Michigan courts. In short, Petitioner has not demonstrated a palpable defect in this Court's decision requiring a different disposition of his petition.

Accordingly,

IT IS ORDERED, that Petitioner's motion for reconsideration is **DENIED**.

DATE: August 9, 2010

PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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